

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-290 (SUB-NO. 252X)

Norfolk Southern Railway Company
Petition for Exemption
In Nottoway, Prince Edward, Cumberland, and Appomattox Counties, VA

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of operations of rail line, located in Nottoway, Prince Howard, Cumberland, and Appomattox Counties, Virginia. The rail line is approximately 33.8 miles long, from milepost 134.10 near Burkeville and milepost 167.90 near Pamplin City. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

NSR states that the subject rail line is a surplus parallel rail line located between the same end points of Burkeville and Pamplin City and mostly in the same county as an NSR parallel main line (B-Line) that will remain in service. NSR has improved the B-Line and rerouted overhead traffic that had moved over the subject line until recently to the B-Line. NSR states that the rerouting coincidentally reduced the need for the immediate rehabilitation and additional maintenance on the subject line.

The rail line has its end points just inside Nottoway County, VA, near Burkeville in the east and in Appomattox, County, near Pamplin City in the west. A majority of the subject line is located in northern Prince Edward County, VA, with a small segment in Cumberland County, VA. If the abandonment is approved, NSR states that it will continue to provide rail service to Burkeville, milepost –133.40, and to Pamplin City, milepost –169.3. NSR will discontinue service at the stations of Rice, VA, Farmville, VA, and Prospect, VA. Currently, there are no rail customers at the stations of Rice or Prospect.

NSR currently provides only local rail service to the two remaining rail customers located at Farmville, VA, near milepost –149.1, SMI Rebar and Farmers Co-operative (Southern States Co-operative, Inc.). This rail service originates and terminates at Crewe, VA, about five miles east of

Burkeville. NSR states that even if the abandonment is not approved that rail service would continue to operate over this rail line from Crewe, VA, and not the subject rail line.

In the Base Year of April 1, 2003 - March 31, 2004, NSR handled 158 carloads of local rail freight traffic for these two customers, an average of about three carloads per week, in about 156 trains. Thus, each train run on the subject line usually transported only one car for one of the two Farmville, VA, customers.

If the abandonment is approved, NSR states that the two shippers can move their products by transload service through facilities on NSR or CSXT near Petersburg, VA or by straight truck or intermodal service.

NSR states that the area through which the rail line passes can be described as being approximately 50 percent unimproved, 20 percent forest, and 5 percent industrial. The right-of-way (ROW) ranges in width from 80 feet to 200 feet with an average of 125 feet to 150 feet. There are a total of 18 bridges with dates of construction ranging from 1910 to 1975.

The subject line is a portion of the Petersburg to Lynchburg rail line constructed by the Southside Railroad Company from 1849 to 1854. This railroad played an important role supplying the Confederate military and civilian populations from the Shenandoah Valley to the capitol at Richmond, VA. In 1865, General Robert E. Lee used this rail line to evacuate his Army of Northern Virginia from defensive positions around Petersburg, VA, toward the village of Appomattox, VA. Therefore, the Virginia Department of Historic Resources (DHR) states that the proposed abandonment and removal of the rail line will constitute an adverse effect. However, because the rail line is scheduled to be transferred to the Department of Conservation and Recreation for development as a state park, the DHR concludes that the proposed abandonment will have no adverse effect on the historic rail line.

NSR states that it is not aware of any prior subsurface ground disturbance or environmental conditions that would affect archaeological recovery, except perhaps for the construction of the High Bridge and dismantling of the old bridge structure in 1912.

NSR does not have fee title to the entire ROW underlying the rail line proposed for abandonment. Therefore, NSR believes that most alternative public uses are not feasible. However, NSR is exploring the possibility of trail use which will preserve the corridor for future rail use while providing a recreational public use corridor in the near term.

If the abandonment is approved, NSR states that it intends to salvage all rail, ties, track materials, and other structures as appropriate.

NSR believes the abandonment, if approved, will enhance public health and safety by eliminating the 15 public and 19 private at-grade crossings.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

Comments have been received from the following agencies stating that the proposed abandonment will have no adverse impacts: U.S. Department of Agriculture, Natural Resources Conservation Service; Virginia Department of Transportation, Environmental Engineering and Audits; Virginia Department of Historic Resources; and the Town of Pamplin, VA.

Transportation

Rail-to-Truck Diversions

SEA's preliminary analysis of 2003 railcar data indicates that 137 railcars would be diverted to trucks.¹ The proposed abandonment, if approved, would result in 767.2² additional trucks or 1534.4 additional truck trips annually. When the additional trucks are calculated on a per day basis, an estimated 3.2 trucks (6.4 truck trips) per day result during a 240 day year.³ It is important to note that SEA is assuming an empty backhaul, which means that approximately 6.0 trucks per day will be added to existing traffic on either U.S. 460, VA 15, and/or VA 45. SEA notes that U.S. 460, to a large extent, parallels that section of rail line proposed to be abandoned by NSR.

To analyze the potential impact of the additional truck traffic, SEA calculated the percent increase in new truck traffic, as outlined above. SEA's analysis assumes a worst case scenario by assuming that all the new truck traffic would use either U.S. 460, VA 15, and/or VA 45. SEA determined that the percent increase in Annual Average Daily Traffic (AADT), based on a 240 day year (3.2 new trucks per day in each direction) would result in the following:

¹SEA notes that using 2003 railcar data is a worst case scenario since only 70 railcars moved over this rail line in 2002.

²SEA used a conversion of 5.6 trucks per railcar - railcars typically haul 100 tons and most trucks haul 18 tons.

³240 workdays result when weekends and holidays are subtracted from a 365 day year.

Roadway	2002 AADT⁴	Estimated New Truck Trips	Percent Increase in AADT
U.S. 460 - Near VA 307	12,000	6.4	0.05
U.S. 460 - Prospect, VA	8,700	6.4	0.07
U.S. 460 Business	11,000	6.4	0.06
U.S. 460/VA 15 Bypass	8,200	6.4	0.08
VA 45 - North of Farmville, VA	5,200	6.4	0.12
VA 15 - Kingsville, VA	7,600	6.4	0.08
VA 15 - South of Sheppards, VA	3,900	6.4	0.16

Based on the results above, SEA concludes that rail-to-truck diversions resulting from the proposed abandonment alternatives, if approved, will not significantly contribute to traffic delay or adversely affect safety.

Likewise, the Virginia Department of Transportation, Environmental Engineering and Audits, has concluded that the abandonment, as proposed, should result in minimal impacts to traffic during salvage activities, with no long-term negative impacts.

The Virginia Department of Rail and Public Transportation states that a portion of the rail line proposed for abandonment is part of a corridor that has been identified in the Bristol, VA, to Richmond, VA, and Washington, D.C. rail passenger study. They suggest that the corridor either be purchased to continue freight service which would reserve the corridor for future passenger service or that it be preserved under the Rails-to-Trails program which would also preserve the rail corridor. In furtherance of this goal, the Commonwealth of Virginia has authorized the Department of Conservation and Recreation to accept title to certain real property along abandoned railroad lines in several counties.

The County of Prince Edward, VA, and Cumberland County, VA, have stated, through resolution, that they are interested in seeking continued rail service for the two existing customers.

Lastly, NS states that it would remove all 36, public and private, at-grade crossings located on the line proposed for abandonment. SEA believes that removal of these at-grade crossings would reduce the number of injuries and fatalities that might otherwise occur.

⁴SEA consulted with Mr. W. A. Leatherwood, Virginia DOT. SEA used the latest AADT data on file with the Virginia DOT which was collected in 2002.

Energy Consumption

NSR believes that due to the limited freight transported over the rail line and that none of the freight involved the transport of energy resources or recyclable commodities that the development and transportation of energy resources will not be adversely affected by the proposed abandonment.

As outlined by NSR, two abandonment alternatives were analyzed.

Alternative 1: Abandonment of the Entire Rail Line from Burkeville to Pamplin City, VA:

In the last two years, a limited volume of rail traffic was moved over the rail line. In 2002, 70 carloads or 6,736 tons of freight and in 2003 137 carloads or 13,475 tons of freight were transported over the rail line. Using an average round trip of 1.3 cars per train, this results in approximately 54 locomotive trips in 2002 and 104 locomotive trips in 2003. The results of the analysis indicates that based on 2002 carload data, diversion to truck would result in the decrease in diesel fuel consumption by approximately 4,154 gallons and a similar decrease based on 2003 carload data of approximately 9,626 gallons of diesel fuel. Therefore, determination of net change in energy consumption is positive

Alternative 2: Abandonment of the Segment from Burkeville to Farmville, VA:

In the last two years, a limited volume of rail traffic was moved over the rail line. In 2002, 70 carloads or 6,736 tons of freight with no service over this portion of the rail line in 2003⁵. Using an average round trip of 1.3 cars per train, this results in approximately 54 locomotive trips in 2002 and 104 locomotive trips in 2003. This alternative would also require that trains from Crewe, VA, would continue to provide service to customers in Farmville, VA.

The results of this analysis indicates that based on 2002 carload data, diversion to truck would result in the increase in diesel fuel consumption by approximately 950 gallons. Because all rail traffic in 2003 has been rerouted over a rail line originating and terminating at Crewe, VA, the abandonment of this segment would not create an impact on energy efficiency.

Land Use

The U.S. Department of Agriculture, Natural Resources Conservation Service, has determined that the abandonment, as proposed, would not result in any adverse impacts to prime farmland.

As stated earlier, NSR does not have fee title to the entire right-of-way (ROW) underlying the rail line proposed for abandonment. Therefore, NSR believes that most alternative public uses are not feasible. However, NSR is exploring the possibility of trail use which will preserve the corridor for future rail use while providing a recreational public use corridor in the near term.

⁵Since 2003, all rail traffic has been rerouted over the rail line segment originating and terminating in Crewe, VA.

Air Quality

The Board has established air quality and noise level threshold levels set forth at 49 CFR 1105.7(e)(5)(ii) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine whether the air pollution and noise levels generated by rail traffic diverted to alternative modes warrant detailed analysis. The applicable threshold level for an attainment area when assessing air pollution is an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of the rail line, or an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment.

The Commonwealth of Virginia is currently in attainment for all priority air pollutants. The United States Environmental Protection Agency (EPA) has National Ambient Air Quality Standards (NAAQS) for pollutants, but NSR does not believe that its salvage operation, as described, will not result in any adverse impacts to Virginia's air quality.

In addition, Appomattox, Prince Edward, Cumberland, and Nottoway Counties are currently in attainment for all NAAQS pollutants according to the EPA. These Counties are also in attainment for ozone.

Solid and Hazardous Waste

NSR has conducted a search of company records and states that it has not found any evidence of any hazardous waste sites or sites where there have been known hazardous materials spills on the ROW.

The Virginia Department of Environmental Quality, Waste Management Division, has not completed its review.

Biological Resources

NSR, through review of the U.S. Fish and Wildlife Service's website (FWS) has identified the Federally Endangered Bald Eagle (*Haliaeetus leucocephalus*) and the Small Whorled Pogonia (*Isotria medeoloides*). The FWS also identifies the Yellow Lance (*Elliptio lanceolata*), Atlantic Pigtoe (*Fusconaia masoni*), and the Virginia Pigtoe (*Lexingtonia subplana*) as Species of Concern.

Through a similar review of the Virginia Department of Natural Heritage Resources' website, NSR has identified the State Threatened Atlantic Pigtoe (*Fusconaia masoni*) and the Loggerhead Shrike (*Lanius ludovicianus*).

The FWS, Region 5, and the Virginia Department of Natural Heritage Resources have not completed their review of the proposed abandonment.

NSR states that the proposed abandonment does not pass through any wildlife sanctuaries, refuges, National or State parks, or forests and therefore should not adversely affect such lands.

Water Resources

NSR, in its petition, states that the rail line proposed for abandonment crosses the Appomattox River and an unnamed creek and also passes through associated 100-year flood plains.

NSR states that does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line proposed for abandonment. All areas of disturbance will be kept to a minimum and limited to the ROW wherever possible.

NSR also states that it has no plans to undertake in-stream work, or dredge and/or fill any materials, therefore, no water quality impacts are expected.

The U.S. Army Corps of Engineers, Norfolk District, U.S. Environmental Protection Agency, Region 3, and the Virginia Department of Environmental Quality, Water Division, have not completed their review.

Cultural and Historic Resources

The subject line is a portion of the Petersburg to Lynchburg rail line constructed by the Southside Railroad Company from 1849 to 1854. This railroad played an important role supplying the Confederate military and civilian populations from the Shenandoah Valley to the capitol at Richmond, VA. In 1865, General Robert E. Lee used this rail line to evacuate his Army of Northern Virginia from defensive positions around Petersburg, VA, toward the village of Appomattox, VA. Therefore, the Virginia Department of Historic Resources (DHR) states that the proposed abandonment and removal of the rail line will constitute an adverse effect. However, because the rail line is scheduled to be transferred to the Department of Conservation and Recreation (DCR) for development as a state park, the DHR concludes that the proposed abandonment will have no adverse effect on the historic rail line.

The U.S. Department of Interior, National Park Service, Northeast Region (NPS), has identified the Appomattox Court House National Park and request NSR to contact the Park Superintendent if the rail line proposed for abandonment is located within one mile of this park.

The NPS has also raised concerned about the historic High Bridge located near Farmville, VA. The NPS states that this portion of the rail line has been proposed to be deeded to the State of VA for subsequent development into a recreational trail. The NPS strongly encourages this effort.

The DCR has stated that this ROW holds significant historical value and seeks to protect this resource through issuance of a Public Use Condition or Certificate of Interim Trail Use.

The Virginia Department of Transportation, Surveys and Photogrammetry, has stated its concern for regarding 66 benchmarks which it has identified.

CONDITIONS

In response to the concerns expressed by or due to the lack of a response received to date from the following: Virginia Department of Transportation, Surveys and Photogrammetry; U.S. Department of Interior, Fish and Wildlife Division, Region 5; U.S. Environmental Protection Agency, Region 3; U.S. Army Corps of Engineers, Norfolk District; U.S. Department of Interior, National Park Service, Northeast Region; Virginia Department of Environmental Quality, Water Division; Virginia Department of Environmental Quality, Waste Management Division; and the Virginia Department of Natural Heritage Resources we recommend that the following conditions be imposed on any decision granting abandonment authority.

- 1. Norfolk Southern Railway Company (NSR) shall notify the U.S. Department of Commerce, National Geodetic Survey (NGS) and the Virginia Department of Transportation, Surveys and Photogrammetry (DOT-SP), prior to any salvage activities that will disturb or destroy any of the sixty-six (66) survey markers on the right-of-way. Therefore, we recommend, that NSR consult with the NGS and the DOT-SP prior to undertaking any salvage operations. If salvage operations are expected to destroy or disturb any geodetic station markers NSR shall notify the NGS and the DOT-SP in not less than ninety days prior to commencement of such operations.**
- 2. The U.S. Fish and Wildlife Service, Region 5 (FWS), has not completed its preliminary review of the proposed abandonment. However, Norfolk Southern Railway Company (NSR) through review of the FWS's website has identified the Federally Endangered Bald Eagle (*Haliaeetus leucocephalus*) and the Small Whorled Pogonia (*Isotria medeoloides*). The FWS website also identifies the Yellow Lance (*Elliptio lanceolata*), Atlantic Pigtoe (*Fusconaia masoni*), and the Virginia Pigtoe (*Lexingtonia subplana*) as Species of Concern. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting NSR from salvaging or disposing of the entire right-of-way until consultation with the FWS has been completed.**
- 3. The U.S. Environmental Protection Agency, Region 3 (EPA), has not completed its review. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Norfolk Southern Railway Company from salvaging or disposing of the entire right-of-way until consultation with the EPA has been completed.**
- 4. The U.S. Army Corps of Engineers, Norfolk District (COE), has not completed its review. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Norfolk Southern Railway Company from salvaging**

or disposing of the entire right-of-way until consultation with the (COE) has been completed.

5. The U.S. Department of Interior, National Park Service, Northeast Region (NPS), has completed its review of the proposed abandonment and has identified the Appomattox Court House National Park and the historic High Bridge as areas of concern. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Norfolk Southern Railway Company from salvaging or disposing of the entire right-of-way until consultation with the NPS has been completed.
6. The Virginia Department of Natural Heritage Resources (DNHR) has not completed its review. However, Norfolk Southern Railway Company (NSR) through review of the DNHR's website has identified the State Threatened Atlantic Pigtoe (*Fusconaia masoni*) and the Loggerhead Shrike (*Lanius ludovicianus*). Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting NSR from salvaging or disposing of the entire right-of-way until consultation with the DNHR has been completed.
7. The Virginia Department of Environmental Quality, Water Division (DEQ-WD), has not completed its review. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Norfolk Southern Railway Company from salvaging or disposing of the entire right-of-way until consultation with the DEQ-WD has been completed.
8. The Virginia Department of Environmental Quality, Waste Management Division (DEQ-WM), has not completed its review. Therefore, we recommend that a condition be placed on any decision granting abandonment authority prohibiting Norfolk Southern Railway Company from salvaging or disposing of the entire right-of-way until consultation with the DEQ-WM has been completed.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measures, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

NSR does not have fee title to the entire right-of-way (ROW) underlying the rail line proposed for abandonment. Therefore, NSR believes that most alternative public uses are not feasible. However, NSR is exploring the possibility of trail use which will preserve the corridor for future rail use while providing a recreational public use corridor in the near term.

The Virginia Department of Conservation and Recreation has stated that this ROW holds significant historical value and seeks its protection through issuance of a Public Use Condition or Certificate of Interim Trail Use.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

The Virginia Department of Conservation and Recreation has stated that this ROW holds significant historical value and seeks its protection through issuance of a Public Use Condition or Certificate of Interim Trail Use.

The Town of Pamplin, VA, supports the abandonment as proposed and also supports its conversion into a recreational trail.

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket**

No. AB - 290 (Sub No. 252X) in all correspondence addressed to the Board. If you have questions regarding this environmental assessment, you should contact Troy Brady at (202) 565-1643.

Date made available to the public: **November 29, 2004.**

Comment due date: December 29, 2004. (30 Days)

By the Board, Victoria J. Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

Decision ID No. 15142
 AB-290 (SUA-No. 252X)

